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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,650	08/07/2006	Claus Dworski	1431.144.101/FIN 503 PCT/	9691
25281 7590 12/08/2009 DICKE, BILLIG & CZAJA FIFTH STREET TOWERS 100 SOUTH FIFTH STREET, SUITE 2250 MINNEAPOLIS, MN 55402			EXAMINER NGHIEM, MICHAEL P	
			ART UNIT 2863	PAPER NUMBER
			MAIL DATE 12/08/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,650	<b>Applicant(s)</b> DWORSKI ET AL.	
	<b>Examiner</b> MICHAEL P. NGHIEM	<b>Art Unit</b> 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 33-64 is/are pending in the application.
- 4a) Of the above claim(s) 46 and 54-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33,35,39,40,43 and 45 is/are rejected.
- 7) ☒ Claim(s) 34,36-38,41,42,44 and 47-53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The Amendment filed on August 26, 2009 has been considered.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the measuring device ... generate a difference signal by subtracting the reference signal from the test signal" (claims 33, 39, 40, 43) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 33, 38, and 39 are objected to because of the following informalities:

- claim 33, before “aggregate difference value” (line 14), should insert – to obtain an --.
- claim 38 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 38 is redundant in view of claim 33.
- claim 39, “to a aggregate absolute value” (line 15), should be – to obtain an aggregate absolute value --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 33-45 and 47-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- claims 33, 39, 40, and 43, the “third input” lacks antecedent basis and should be changed to the – second input --.
- claims 35 and 45, “the standard deviation” lacks antecedent basis and should be changed to – a standard deviation --.
- claim 39, “the absolute value” (line 13), lacks antecedent basis and should be changed to – an absolute value --.
- claim 43, “the amounts of difference values” (line 11), lacks antecedent basis. Before “amounts of difference values” (line 11), “the” should be deleted.

The remaining claims are also rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a rejected base claim.

### ***Allowable Subject Matter***

Claims 33-45 and 47-53 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Reasons For Allowance***

The **combination** as claimed wherein an electrical test circuit comprising a control device comprising a control loop circuit which is provided for adapting the deviation of the test signal, the control loop circuit being configured in such a manner that a deviation-corrected test signal is generated in that the difference values between the deviation of the test signal and of the reference signal is added together and in that the test signal is corrected by addition with this aggregate difference value (claim 33) or the control device comprises an amplitude correction circuit for matching the amplitude of the reference signal to the amplitude of the test signal, the amplitude correction circuit being configured in such a manner that an amplitude-corrected reference signal is generated in that the absolute value of the deviation-corrected test signal is determined and added together by the amplitude correction circuit and in that the reference signal is corrected with the aggregate absolute value of the deviation-corrected test signal (claim 39) or the control device comprises a phase displacement circuit, the phase displacement circuit being configured in such a manner that the phase of the reference signal is matched to the phase of the test signal (claim 40) or the squares of the amounts of the difference values between the deviation-corrected test signal and the amplitude- and phase-corrected reference signal is added together by the measuring device or the minimum and maximum values of the difference values between the deviation-corrected test signal and the amplitude- and phase-corrected reference signal is stored by the measuring device (claim 43) is not disclosed, suggested, or made obvious by the prior art of record.

### ***Response to Arguments***

Applicant's arguments filed on August 26, 2009 have been fully considered but they are not persuasive.

With respect to the drawing objection to "the measuring device ... generate a difference signal by subtracting the reference signal from the test signal", Applicants argue that Fig. 2 of the instant application shows a second subtractor (513) which subtracts the reference signal from the test signal.

Examiner's position is that Fig. 2 shows the second subtractor (513) as being part of the control unit (55), and not part of measuring device/circuit (56).

Examiner maintains positions regarding several antecedent problems that have not been addressed by Applicants.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kranz (US 7,355,472) discloses a method for correction of signal distortions in an amplifier device (Abstract, lines 1-2).

Carson et al. (US 6,107,890) discloses the phase of a pulsed test signal is measured with reference to a reference signal of constant frequency (Abstract, lines 1-2).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-F.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael P. Nghiem/

Primary Examiner, GAU 2863

December 7, 2009